

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MABLE RIVERA and ANTHONY RIVERA,
individually and as next friends of
E.S. and B.C., infants, and J.C., an infant,

Plaintiffs,

-against

JOHN MATTINGLY, individually and as Commissioner,
MINA SHAH, individually and as review officer,
MICHAEL WARREN, individually and as caseworker,
CAROLYN WILLIAMS, individually and as supervisor;
DIANA CORTEZ, individually and as manager;
CITY OF NEW YORK, ANNY GARCIA, individually
and as caseworker, FABIAN NJOKU, individually
and as caseworker; ANDREA CUMMINGS, individually
and as supervisor, FAMILY SUPPORT SYSTEMS
UNLIMITED, INC., and JOHN JOHNSON, individually
and as Commissioner,

Defendants.

06 Civ. 7077 (LAP) (HBP)

**DECLARATION OF
MABLE RIVERA
CONCERNING
DAMAGES AGAINST
DEFENDANTS GARCIA
AND NJOKU**

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MABLE RIVERA hereby declares under penalty of perjury that the following is
true and correct:

1. I am one of the adult plaintiffs in this lawsuit, and I reside in Cambria Heights, New
York.

2. I make this declaration in support of the plaintiffs' claims for damages against
defendants Anny Garcia and Fabian Njoku.

3. Anthony and I have a large extended family, filled with love and laughter.

4. Together Anthony and I raised both my daughter Rhonda Goddard (who was born in
1964) and our daughter Rachel (who was born in 1981) to adulthood.

5. Anthony and I cared for many of our nieces, nephews, grandnieces, and grandnephews over the course of many years. We raised the children because they were family, without help from the government.

6. It was not until 1998 that Anthony and I had any contact with the foster care system. In 1998, we were asked to care for J.C. because my sister (J.C.'s grandmother) was ill, and my niece (J.C.'s mother) wasn't able to care for J.C.

7. Anthony and I agreed to take care of J.C., who was then one year old. After J.C. came to live with us, we were licensed as foster parents by Family Support Systems Unlimited, Inc. ("FSSU"), a foster care agency that oversaw foster children who were in the legal custody of the City of New York.

8. A year later, E.S. and B.C. came to live with Anthony and me. Again, we were licensed as foster parents through FSSU. E.S. and B.C.'s older sisters – Ashley and Laporsha – also came to live with us.

9. Both Anny Garcia and Fabian Njoku were caseworkers who were employed by FSSU. Njoku's job was to oversee our care for J.C.

10. FSSU assigned one caseworker to my nieces E.S. and B.C., and a different caseworker to my niece J.C.

11. Because of staff turnover, FSSU changed the caseworkers many times.

12. Until late 2005, my husband Anthony and I got along with all of the caseworkers.

13. The caseworkers were professional. They had a job to do, which was to oversee Anthony's and my care of the girls. The caseworkers approved of the way we cared for the girls, and often complimented us on how well the girls were doing under our care.

14. My niece, Latoya Chapman Young, the mother of J.C., also thought that Anthony and I were doing a wonderful job raising her daughter. She surrendered her own parental rights to J.C., on condition that Anthony and I would be allowed to adopt J.C.

15. Anthony and my relationship with FSSU began to decline in 2005, when FSSU assigned a new caseworker to J.C. – Fabian Njoku.

16. Mr. Njoku had no respect for the efforts that Anthony and I made to raise our grandnieces. On top of that, he was lazy, and did very little work.

17. It was his job to do the paperwork so that Anthony and I could adopt J.C., and he didn't do it.

18. Late in 2005, FSSU assigned a new caseworker to E.S. and B.C. – Anny Garcia.

19. From the beginning, Ms. Garcia was hostile to me and condescending to Anthony.

20. Ms. Garcia acted like she knew everything about how to care for children and that Anthony and I knew nothing, even though she had just graduated from college and had no children of her own, while Anthony and I had raised our own children and our relatives' children.

21. Ms. Garcia acted like she was just looking for an excuse to take J.C., E.S., and B.C. away from us, after we had cared for them for more than seven years, ever since they were babies.

22. On March 31, 2006, E.S. and B.C.'s mother phoned Ms. Garcia and said that Ashley had said that Laporsha was having sex in the bathroom in the apartment upstairs from our home with Leandro Johnson, the boyfriend of my daughter Rhonda.

23. E.S. and B.C.'s mother phoned me while I was visiting a friend from my church who was ill, and told me the same thing,

24. I hurried back to my house and found my husband Anthony playing in the yard with E.S., B.C., and J.C. Leandro Johnson had already left the building.

25. When I learned that Anny Garcia had called the child abuse hotline and reported that Leandro Johnson was sexually abusing all of my girls, I was shocked. Nobody had said that all of the girls were involved. When I learned that Anny Garcia had said that the sex abuse (which never happened at all) was my fault, I was furious and humiliated.

26. Everyone at the agency knew that I took good care of my girls. I couldn't believe that Ms. Garcia would tell a vile lie like that.

27. I am a Christian, and am very active in my church. I know that sexual molestation of children is abhorrent, and would never allow any of my girls to be molested. To be accused of such a sin was despicable to me.

28. When Ms. Garcia came to my house with her supervisor on March 31, 2006, and Laporsha told her that Ashley had lied to get Laporsha in trouble, I thought that would be the end of the matter. I couldn't believe that Ms. Garcia and her supervisor would take all five of the girls. I was shocked and devastated.

29. After the doctors and social workers had examined my girls at the hospital on March 31, 2006, and found no evidence of any type of sexual activity for any of my girls, I was relieved. I thought they would all go home with me.

30. My relief lasted for only a few minutes, because Ms. Garcia insisted on taking all five girls away from me and Anthony. I was devastated again. I couldn't believe what was happening.

31. A few days later, I spoke to Mr. Njoku. As usual, he didn't do anything to help me get the girls back. He acted like he agreed with the removal.

32. From then on, I felt that my whole world had collapsed. I was constantly sad, and I burst into tears all the time.

33. I had difficulty eating. My appetite just disappeared.

34. I had difficulty concentrating on my work.

35. I had a lot of trouble falling asleep at night. It made me so sad to go to bed without tucking the girls in and helping them say their prayers.

36. Each morning, when I woke up, she would greet the new day. Then I would realize that the girls were not in their beds in their rooms, and the pain would start all over again.

37. I hoped that I would be able to see my girls, but Mr. Njoku and Ms. Garcia wouldn't let me visit. Anthony and I were furious and sad that we could not even see the girls. It was almost as if the girls were dead. I grieved for them.

38. Mr. Njoku and Ms. Garcia wouldn't even let me speak to the girls on the telephone. When I told that to the City investigator who was investigating the charges against me, she said she would take care of it. Apparently she spoke to Mr. Njoku or Ms. Garcia, because after that, the girls were allowed to call me every week. The girls' calls made me less unhappy. But my sadness increased when the foster mother would slam down the phone and cut me off from the girls.

39. Mr. Njoku and Ms. Garcia refused to give me the foster mother's phone number. Because of them, I was never able to call my girls.

40. Anthony missed the children very much. He was very sad when the children weren't with him on his birthday.

41. Finally, on June 9, 2006, Mr. Njoku let me visit E.S., B.C., and J.C. at the FSSU office. I was so excited and happy. I cooked a lot of food, and made a party for the girls.

42. When I had to leave, the sadness returned again, even more powerful than before.

43. I didn't see the girls again for more than two months.

44. I went for counseling once a week with the pastor of her church. The counseling and prayer helped only a little. I still missed the girls so very much.

45. The situation felt like a roller coaster that I could not control. Every time there was a positive development in the case, my hopes went up, but each time the defendants dashed my hopes by keeping the girls from me.

46. In July, 2006, I learned that the City of New York had completed its investigation of the accusations against me and concluded that the charges against me (and the charges against Leandro Johnson) were unfounded. I became hopeful again, and thought that the girls might return.

47. But Mr. Njoku and Ms. Garcia's successor did not return the girls. My hopes were crushed, and I felt miserable again.

48. Then, in August, 2006, Mr. Njoku acted as if the agency was going to return the girls. The agency even sent a caseworker to inspect our home on August 18, 2006.

49. The caseworker approved our home.

50. When Mr. Njoku said that FSSU had decided to send the girls back to us on August 25, 2006, Anthony and I were thrilled.

51. I arrived at the agency on August 25, 2006, before the appointed time of noon. When I saw the girls with their suitcases, my spirit soared.

52. I could not believe my ears when defendant Garcia's successor Aminata Yarteh told me that there had been a change of plans, and the girls would not go home after all.

53. I almost collapsed, but I had to stay strong for the girls.

54. J.C., E.S., and B.C. were crushed. They cried and screamed when they heard that they could not go home.

55. The girls stayed at the agency until 6 or 7 pm. J.C. called my home many times. She was very angry that she couldn't go home. B.C. spoke to Anthony. She was angry and upset, too.

56. After that, I did not see J.C. until October 17, 2006, and I did not see B.C. and E.S. until late December. The defendants wouldn't allow any more visits.

57. When I won my administrative hearing in December, 2006, my hopes were raised again, only to be dashed when defendants decided, once again, that the girls would not return home.

58. Ms. Garcia and Mr. Njoku, and their successors, detained J.C. until December 12, 2006, when they finally returned J.C. after the judge ordered them to do so on December 11, 2006.

59. Ms. Garcia and Mr. Njoku, and their successors, detained E.S. and B.C. until December 21, 2006, when they finally returned E.S. and B.C. after the judge ordered them to do so on December 20, 2006.

60. Defendants' removal and detention of the girls destroyed our family for nearly nine months.

61. Defendants removed the girls from us, the only parents they had ever known, and with whom they had lived since infancy. That destroyed our immediate family.

62. The removal of the girls destroyed the extended family as well.

63. E.S. and B.C. were deprived of the love and companionship of their 12-year-old sister Ashley and their 11-year-old sister Laporsha, whom defendant Garcia also removed from us.

Defendant Garcia placed Ashley and Laporsha in a different foster home from the foster home in which the other girls lived.

64. All three girls were deprived of the love and companionship of their cousin Rhonda Goddard (my daughter), who lived in an apartment on the top floor of our building.

65. The girls were deprived of the love and companionship of their cousins Lance and Lawrence, my grandsons who are the sons of Rhonda Goddard. The boys lived with Rhonda in her apartment.

66. The girls were deprived of the love and companionship of their cousin Rachel Rivera, our younger daughter, who lived with us and with the girls throughout her childhood.

67. B.C. and E.S. were deprived of the love and companionship of their adult brothers Aaron and Ramel, who regularly attended family parties.

68. When defendants removed J.C. from me and Anthony, J.C. was eight years old. J.C. celebrated her ninth birthday, in the fall of 2006, without her family.

69. J.C. was deprived of the love and companionship of her adult siblings Joseph, Elizabeth and Crystal.

70. Defendant Garcia stopped working on E.S. and B.C.'s case on or about May 30, 2006, and was replaced by caseworker Aminata Yarteh.

71. From March 31, 2006, the date she removed the girls from Anthony and me and placed them with strangers until the date she was taken off their case, Ms. Garcia did not once allow me or Anthony to visit the girls at all.

72. Aminata Yarteh continued defendant Garcia's visitation policy and did not allow me or Anthony to see E.S. and B.C. at all.

73. Mr. Njoku stopped working on J.C.'s case in September, 2006, and was succeeded by caseworker Tanikquaa Brown.

74. From March 31, 2006, until September, Mr. Njoku permitted me to visit E.S., B.C., and J.C. only once, at a party at the agency office on June 9, 2006. I also saw the girls on August 25, 2006, but only briefly, when I went to the agency office, thinking that I could take them back with me.

75. Tanikquaa Brown continued defendant Njoku's visitation policy and allowed me to visit J.C. only once – on October 17, 2006.

76. When J.C. returned to us, she had changed. She was much more reserved. She seemed sad. She often put herself down.

77. Our adoption of J.C. was delayed until June 25, 2007.

78. Even now, when I think of that horrible time, I feel devastated, bereft, and powerless.

I declare under penalty of perjury that the foregoing is true and correct. Signed on April 14, 2016.


MABLE RIVERA